

Remarks

In response to the Office Action mailed September 30, 2008, (hereinafter "Office Action"), claims 1 and 8 have been amended, claims 2-7 and 9-14 have been cancelled. Applicant submits that no new matter has been added. Therefore, claims 1 and 8 are currently presented for examination, both of which are independent. Support for the instant amendments is provided throughout the Specification. In view of the foregoing amendments and following comments, allowance of all claims pending the application is respectfully requested.

In the pending Office Action, the Examiner rejected claims 1-14 under 35 U.S.C. § 102(e) as being anticipated by Obinata '716 (U.S. Patent No. 6,987,716).

Applicant traverses the § 102 rejection for the following reasons:

I. REJECTIONS UNDER 35 U.S.C. § 102.

As noted above, independent claim 1, as amended, now positively recites, *inter alia*, **a control device configured to determine the rotational speed of the driving device based on a type of information recorded on the rotating recording medium upon return from a standby state, or upon return from an idle state and wherein the control device drives to rotate the driving device at a predetermined highest speed when the type of information is information accompanied by transfer of a large amount of data, and drives to rotate the driving device at a predetermined low speed lower than the predetermined highest speed when the type of information is accompanied by playback of an audible sound.**

These features are amply supported and described by the embodiments disclosed throughout the written description. By way of illustration only, the disclosed embodiments provide for a control device that determines the rotational speed of the driving device based on the type of information recorded on the rotating recording medium upon return from a standby state, or upon return from an idle state. (See, Originally-Filed Specification: page 8, lines 18-23; FIG. 3). The disclosed embodiments also provide that the control device drives to rotate the driving device at a predetermined highest speed when the type of information is information accompanied by transfer of a large amount of data, and drives to rotate the driving device at a predetermined low speed lower than the predetermined highest speed when the type of information is accompanied by playback of an audible sound. (See, Originally-Filed Specification: page 7, lines 18-23; page 8, line 26 – page 9, line 4).

With this said, Applicant submits that, despite the Examiner's contentions, none of the asserted references, whether taken alone or in reasonable combination, remotely suggest each and every element of claim 1 including, for example, the features identified above.

In particular, the primary reference, Obinata '716, discloses a disk drive means for driving an optical disk, an information processor, a disk drive control method, and a system controller. (See, Obinata '716: FIGs. 1, 2, 4, and 6). However, there is nothing in Obinata '716 that remotely suggests a ***control device configured to determine the rotational speed of the driving device based on a type of information recorded on the rotating recording medium upon return from a standby state, or upon return from an idle state***, as required by claim 1.

Applicant further submits that Obinata '716 specifically discloses that drive speed depends on access quantity. (See, Obinata '716: col. 6, lines 29-35). In turn, Obinata '716 specifically discloses that access quantity is defined by the number of operations required to access the optical disk 10, within a certain time period. (See, Obinata '716: col. 6, lines 21-25). In contrast, the presently claimed invention recites that the speed of the driving device is controlled based only on the amount of data to be transferred – **not** on the number of access operations. As such, Obinata '716 fails to suggest ***wherein the control device drives to rotate the driving device at a predetermined highest speed when the type of information is information accompanied by transfer of a large amount of data, and drives to rotate the driving device at a predetermined low speed lower than the predetermined highest speed when the type of information is accompanied by playback of an audible sound***, as required by claim 1.

Thus, for at least these reasons, Applicant submits that claim 1 is clearly patentable. Also, because independent claim 8 contains patentable features similar to claim 1, claim 8 is patentable for at least the reasons presented to claim 1.

Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: December 23, 2008

Respectfully submitted,

By:



E. Rico Hernandez
Registration No. 47,641

Customer No. 00909

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Direct Dial: 703-770-7788
Fax: 703-770-7901